

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:02-cr-266

v.

HON. JANET T. NEFF

RICHARD JOHN MILLER,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Richard John Miller has filed a motion for modification or reduction of sentence (Dkt 407) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 422) and Defendant has filed a Response (Dkt 423) agreeing with the U.S. Probation Department. The Government has filed a Response (Dkt 424) recommending that the Court take a broader examination of the pleadings in this case before determining whether to grant the motion for sentence modification.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 422), the original Presentence Report, the Defendant's response (Dkt 423), and the Government's response (Dkt 424), the Court has determined that the defendant is eligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 407) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to 168 months imprisonment with an effective date of November 1, 2015.

DATED: October 16, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge